

ORIGINAL

AO 450 (Rev. 5/85) Judgment in a Civil Case

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

SPORTS SHINKO (USA) CO., LTD., a
Delaware corporation

Plaintiff(s),

Vs.

KIAHUNA GOLF CLUB, LLC, a Hawaii
limited liability company; KG KAUAI
DEVELOPMENT, LLC, a Hawaii limited
liability company; PUKALANI GOLF
CLUB, LLC, a Hawaii limited liability
company; KG MAUI DEVELOPMENT,
LLC, a Hawaii limited liability company;
MILILANI GOLF CLUB, LLC,
a Hawaii limited liability company; QK
HOTEL, LLC, a Hawaii limited liability
company; OR HOTEL, LLC, a Hawaii
limited liability company; KG
HOLDINGS, LLC, a Hawaii limited
liability company, FRANKLIN K.
MUKAI,

Defendant(s),
and

FRANKLIN K. MUKAI, KIAHUNA GOLF
CLUB, LLC, a Hawaii limited liability
company; KG KAUAI DEVELOPMENT,
LLC, a Hawaii limited liability company;
PUKALANI GOLF CLUB, LLC, a Hawaii
limited liability company; KG MAUI
DEVELOPMENT, LLC, a Hawaii limited
liability company; MILILANI GOLF CLUB,
LLC, a Hawaii limited liability company; QK
HOTEL, LLC, a Hawaii limited liability

JUDGMENT IN A CIVIL CASE

Case: CV 04-00126ACK-BMK

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

April 10, 2007

At 4 o'clock and 00 min p.m.
SUE BEITIA, CLERK

company; OR HOTEL, LLC, a Hawaii limited liability company; and KG HOLDINGS, LLC, a Hawaii limited liability company

Third-Party Plaintiffs,

Vs.

SPORTS SHINKO (KAUAI) CO., LTD., a Hawaii corporation, SPORTS SHINKO (WAIKIKI) CORPORATION, a Hawaii corporation, SPORTS SHINKO (MILILANI) CO., LTD., a Hawaii corporation, SPORTS SHINKO (PUKALANI) CO., LTD., a Hawaii corporation, SPORTS SHINKO (HAWAII) CO., LTD., a Hawaii corporation and SPORTS SHINKO RESORT HOTEL CORPORATION, a Hawaii corporation,

Third-Party Defendants,

and

SPORTS SHINKO (HAWAII) CO., LTD., a Hawai'i corporation and SPORTS SHINKO (KAUAI) CO., LTD., a Hawai'i corporation,

Third-Party Defendants /
Counterclaimants,

Vs.

KIAHUNA GOLF CLUB, LLC, a Hawaii limited liability company; KG KAUAI DEVELOPMENT, LLC, a Hawai'i limited liability company; PUKALANI GOLF CLUB, LLC, a Hawai'i limited liability company; KG MAUI DEVELOPMENT, LLC, a Hawai'i limited liability company; QK HOTEL, LLC, a Hawai'i limited liability company; OR HOTEL, LLC, a Hawai'i limited liability company; KG HOLDINGS, LLC, a Hawai'i limited liability company and FRANKLIN K. MUKAI,


Third-Party Counterclaim
Defendants.

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- [] **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- [✓] **Decision by Court.** This action came for hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the complaint is dismissed without prejudice to bring suit in the appropriate forum. IT IS FURTHER ORDERED that this Court lacked subject matter jurisdiction and vacates the: 1) Order Denying Defendants' Motion for Summary Judgment in Civ. No. 04-00128 ACK-BMK (Mar. 28, 2006); Order Granting in Part and Denying in Part Defendants' Motion for Reconsideration, Civ. No. 04-00128 ACK-BMK (July 19, 2006); Order Denying Motion To Expunge Lis Pendens, Civ. No. 04-00125 ACK-BMK (Sept. 28, 2006). Judgment is entered in favor of KG Defendants against Plaintiff pursuant to the "ORDER GRANTING KG DEFENDANTS' MOTION TO DISMISS CIV. NOS. 04-00125 ACK-BMK, 04-00126 ACK-BMK AND 04-00128 ACK-BMK FOR LACK OF SUBJECT MATTER JURISDICTION" filed on April 5, 2007.

Date April 10, 2007

Clerk SUE BEITIA


(By) Deputy Clerk